

Notice of Allowability

Application No.

09/349,925

Examiner

Peter Paras, Jr.

Applicant(s)

CHANGEUX ET AL.

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment after final received on 1/20/04.
2. ☒ The allowed claim(s) is/are 53-54 and 63 (renumbered as 1-3).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>0204</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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Applicant's amendment after final received on 1/20/04 has been entered. Claims 40-47, 51-52, and 55-62 have been cancelled. New claim 63 has been added. Claim 53 has been amended. Claims 53-54 and 63 are pending and are under current consideration.

The notice of appeal received on 1/27/04 has been entered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Timothy Donaldson on 2/6/04.

The application has been amended as follows:

In the specification:

The paragraph beginning in line 1 on page 1 of the specification, immediately following the title of the invention has been changed to the following: The instant application [This] is a continuation of application Serial No. 08/465,712, filed June 6, 1995, now US Patent 6,452,066, which is a continuation of Serial No. 08/358,627 as originally filed on December 14, 1994, now US Patent 6,177,242, all of which are incorporated herein by reference.

The Title of the Invention has been changed to the following: A PROCESS FOR PRODUCING A NEURONAL HOST CELL IN VITRO COMPRISING REGULATORY SEQUENCES OF THE β 2-SUBUNIT OF THE NEURONAL NICOTINIC ACETYLCHOLINE RECEPTOR.

Drawings

The drawings filed on 12/13/02 are acceptable subject to correction of the informalities indicated below. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance. Figure 1 has handwritten text. The Examiner inadvertently indicated in Office action of 7/28/03 that all replacement drawings were approved. Any confusion is regrettable.

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In the claims:

Claim 53 has been amended as follows:

53. A process for producing a neuronal host cell that expresses a heterologous polypeptide, comprising transferring to the neuronal host cell a DNA sequence comprising a promoter of a β 2-subunit of a neuronal nicotinic acetylcholine receptor having the sequence from about nucleotide -1125 to about nucleotide +38 as set forth in Figure 1, which corresponds to nucleotides 1-1163 of SEQ ID NO: 22, operatively linked to a nucleotide sequence encoding the heterologous polypeptide under suitable conditions to cause expression of the heterologous polypeptide by the neuronal host cell, wherein the heterologous polypeptide is an oncogenic protein or is encoded by a reporter gene, and wherein the DNA sequence is transferred to the neuronal host cell in vitro.

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Any inquiry concerning this communication or earlier communications from the examiner(s) should be directed to Peter Paras, Jr., whose telephone number is (571) 272-0732. The examiner can normally be reached Monday-Friday from 8:30 to 4:30 (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson, can be reached at 571-272-0804. Papers related to this application may be submitted by facsimile transmission. Papers should be faxed via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Official Fax Center number is (703) 872-9306.

Inquiries of a general nature or relating to the status of the application should be directed to Dianiece Jacobs whose telephone number is (571) 272-0532.

Peter Paras, Jr.

**PETER PARAS
PATENT EXAMINER**

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